IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY NINTH DAY OF NOVEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21569 of 2004

Between:

Chennupalli Kondal Rao S/o. of late Ch.Kotaiah,
R/o.Juvvigunt Village Marripadui Mandal, Prakasam District.

..... PETITIONER

AND

1 The Collector and District Magistrate Ongole, Prakasam District.
2 The Superintendent of Police Ongole, Prakasam District.
3 The Station House Officer Marripudi Police Station
Marripudi Mandal, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ order or direction more one in the nature of writ of mandamus declaring the action of 1st respondent in not disposing of the representation of the petitioner Dt.22.7.2003 which is made for grant of S.B.B.L License and also for a direction to the 3rd respondent to return the weapon of the father of the petitioner which is under his safe custody as illegal, arbitrary discriminatory and violative of principles of natural justice and consequently direct the 1st respondent to dispose of the representation of the petitioner dt.22.7.2003 forthwith.

Counsel for the Petitioner:MR.M.BRAHMA REDDY

Counsel for the Respondents 1 to 3: GP FOR HOME

The Court at the stage of admission made the following ORDER:

The father of the petitioner was issued a weapon licence by the first respondent. During his lifetime, he deposited the weapon with the third respondent and meanwhile he died. The petitioner claims that he submitted an application dated 22.07.2003 under the provisions of the Arms Act for grant of licence in view of the threat perceptions to him. He complains that no action has been taken so far.

Heard learned counsel for the petitioner and learned Government Pleader for Home.

The Arms Act prescribes the procedure for grant of licence to the individuals to hold and use weapons. Before issuing any licence, the first respondent has to satisfy himself as to the existence of circumstances warranting grant of such licence. This Court cannot record any finding or make any observation in that regard. However, once the petitioner had submitted an application, undue delay in consideration and disposal of the same may, many a time, defeat the very purpose of submitting the applications.

Therefore, the writ petition is disposed of directing the first respondent to dispose of the application said to have been filed by the petitioner for grant of weapon licence within two months from the date of receipt of a copy of this order. No order as to costs.

29.11.2004

ksld

To

1 The Collector and District Magistrate Ongole, Prakasam District.
2 The Superintendent of Police Ongole, Prakasam District.
3 The Station House Officer Marripudi Police Station
Marripudi Mandal, Prakasam District.

4 Two CCs. to the G.P. for Home, High Court of A.P., Hyderabad

(OUT).

5 Two CD copies.